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Respectfully,



Ted S. Owens
Chairman, Board of Directors
Nevada County Sanitation District No. 1

Copied to:

Senator Dianne Feinstein
Senator Barbara Boxer
Congressman John Doolittle
Senator Dave Cox
Senator Sam Aanestad
Assembly Member Rick Keene
Pam Creedon, Executive Officer, CVRWQCB
Greg Norton, Regional Council of Rural Counties
Paul McIntosh, California State Assn. of Counties



NEVADA COUNTY SANITATION DISTRICT NO. 1

950 MAIDU AVENUE, SUITE 290, NEVADA CITY, CA 95959-8617
(530) 265-1411 FAX (530) 265-9849 <http://new.mvnevadacounty.com>

Steven L. DeCamp
Deputy District Administrator

Mark Miller
Director of Sanitation

August 25, 2008

File: 300.1742 004
"Certified Mail"

Barry Hilton, Engineer
California Regional Water Quality Control Board - Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

SUBJECT: Response to Administrative Civil Liability Complaint No. R5-2008-0553 for Lake of the Pines Wastewater Treatment Plant, NPDES No. CA0081612

Dear Mr. Hilton:

The Nevada County Sanitation District No. 1, Lake of the Pines, Zone 2, (NCSD1LOP) has received the Administrative Civil Liability Complaint (ACLC) No. R5-2008-0553 for the Lake of the Pines Wastewater Treatment Plant dated July 28, 2008, from the California Regional Water Quality Control Board - Central Valley Region (RWQCB) (copy enclosed).

The NCSD1LOP appreciates the consideration shown by the RWQCB in the reduction of the administrative civil liability amount from \$132,000 as originally shown in the Draft Record of Violations, down to \$129,000 for the period of January 1, 2000, through March 31, 2008, as shown in the Revised Record of Violations.

- NCSD1LOP requests examination of the remaining violations in light of the statute of limitations under the Federal Clean Water Act (five years – United States Code 28 U.S.C. 2462) and under the California Water Code (three years – California Code of Civil Procedure Section 338 (i)). Copies of both of these references are enclosed. If changes are deemed appropriate under the law, NCSD1LOP requests that those changes be reflected in a further Revised Record of Violations.
- After the RWQCB completes its evaluation of the NCSD1LOP comments contained herein regarding the reduction of the ACLC amount, the NCSD1LOP has scheduled a meeting on September 22, 2008 with the RWQCB staff to discuss a proposal for a Supplemental Environmental Project in lieu of paying a portion of the reduced penalty amount since the NCSD1LOP did not qualify for the financial hardship that would allow the MMPs to be applied to the compliance project that NCSD1LOP recently completed to achieve compliance with Waste Discharge Requirement Order No. R5-2002-0095. NCSD1LOP spent approximately \$22 million on the completion of this compliance project with the annual sewer service charge per residential customer increasing from \$315 to \$1,185.

- The following is a list of possible Supplemental Environmental Projects (SEPs) for your consideration prior to our requested meeting:
 - Biosolids/green waste composting facility
 - Infiltration/inflow reduction in wastewater collection system
 - Replacement of sewer main creek crossing
 - Flow monitoring system for Magnolia Creek
 - Monitoring/sampling equipment for use on Magnolia Creek

Some of the above may be feasibility studies instead of constructed projects due to cost constraints. Your comments on this listing and/or our meeting on September 22nd to discuss the above would help NCSDDLOP determine which of the above project or projects it would propose in lieu of paying a portion of the reduced penalty amount. We understand from discussion with you that reclaimed water or a solar power project would not meet the SEP criteria. As such, we have not included them in our list of possible SEPs. We also understand that you will provide comments on this listing prior to the meeting. Based on your comments we will provide more details on the possible projects that you have identified that may meet the SEP criteria prior to our meeting.

Also enclosed is the signed Waiver with Box 5 checked, which waives the 90 day hearing requirement, but does not require payment at the current time, and allows entering into discussions with the RWQCB staff regarding the violations and possible supplemental environmental project in lieu of full payment of the reduced penalty amount. A hearing may still be held if these discussions do not result in a satisfactory resolution of this matter.

Thank you for your consideration in this matter.

If you have any questions, please feel free to contact me at (530) 265-7103.

Sincerely,

MARK MILLER
Nevada County Sanitation District No. 1


Gordon Plantenga
Wastewater Operations Manager

GP:ms

Enclosures

cc: Nevada County Sanitation District No. 1 Board of Directors
Sanitation District Advisory Committee
District Administrator, Richard Haffey
County Counsel, Attention: Rob Shulman
Kennedy/Jenks, Attention: Ken Shuey and Gary Carlton
RBI, Attention: Michael Bryan
RWQCB, Sacramento, Attention: Pamela Creedon, Ken Landau, Patricia Leary, and Dianna Messina
RWQCB, Redding, Attention: Jim Pedri and Dennis Wilson

**WAIVER OF 90-DAY HEARING REQUIREMENT FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

1. I am duly authorized to represent Nevada County Sanitation District No. 1, Lake of the Pines, Wastewater Treatment Plant (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2008-0553 (hereinafter the "Complaint");
2. I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served" with the Complaint;
3. I hereby waive any right the Discharger may have to a hearing before the California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) within ninety (90) days of service of the Complaint; and
4. ☐ (Check here if the Discharger will waive the hearing requirement and will pay the fine)
 - a. I certify that the Discharger will remit payment for the civil liability imposed in the amount of **one hundred and twenty-nine thousand dollars (\$129,000)** by check, which contains a reference to "ACL Complaint No. R5-2008-0553" and is made payable to the "State Water Pollution Cleanup and Abatement Account." Payment must be received by the Regional Water Board by **27 August 2008** or this matter will be placed on the Regional Water Board's agenda for adoption as initially proposed in the Complaint.
 - b. I understand the payment of the above amount constitutes a settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) expires. Should the Regional Water Board receive new information or comments during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. New information or comments include those submitted by personnel of the Regional Water Board who are not associated with the enforcement team's issuance of the Complaint.
 - c. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

-or-

5. ☒ (Check here if the Discharger will waive the 90-day hearing requirement, but will not pay at the current time) I certify that the Discharger will promptly engage the Regional Water Board staff in discussions to resolve the outstanding violation(s). By checking this box, the Discharger is not waiving its right to a hearing on this matter. I understand that this waiver is a request to delay the hearing so the Discharger and Regional Water Board staff can discuss settlement. It does not constitute the Regional Water Board's agreement to delay the hearing. A hearing on the matter may be held before the Regional Water Board if these discussions do not resolve the liability proposed in the Complaint. The Discharger agrees that this hearing may be held after the 90-day period referenced in California Water Code section 13323 has elapsed.
6. If a hearing on this matter is held, the Regional Water Board will consider whether to issue, reject, or modify the proposed Administrative Civil Liability Order, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

Richard A. Haffey CEO
(Print Name and Title)
[Signature]
(Signature)
8/12/08
(Date)



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Central Valley Region

Karl E. Longley, ScD, PE, Chair

Sacramento Main Office

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

28 July 2008

RECEIVED
JUL 29 2008
CDA/DPW/DOS

CERTIFIED MAIL
7007 2560 0001 7472 1773

Mr. Nick Zaninovich
Nevada County Department of Transportation and Sanitation
950 Maidu Avenue
Nevada City, CA 95959

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0553 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, NEVADA COUNTY SANITATION DISTRICT NO. 1, LAKE OF THE PINES WASTEWATER TREATMENT PLANT, NEVADA COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (CWC) section 13385, for violations of Waste Discharge Requirements (WDRs) Order Nos. 95-114 and R5-2002-0095 (NPDES No. CA0081612) by the Lake of the Pines Wastewater Treatment Plant (Discharger). The Complaint charges the Discharger with civil liability in the amount of **one hundred twenty-nine thousand dollars (\$129,000)**, for Mandatory Minimum Penalties for effluent limitation violations which occurred from 1 January 2000 through 31 March 2008.

On 16 November 2007, Regional Water Board staff sent the Discharger a draft Record of Violations (ROV) for the period of 1 January 2000 through 31 July 2007. On 26 June 2008, the Discharger was sent an updated ROV that extended the period of review through 30 April 2008. On 9 July 2008, the Discharger provided comments. This Complaint incorporates the Discharger's commentary noting one duplicate violation, and reduces the violation count by one.

The 16 November 2007 ROV noted that Regional Water Board staff believed Lake of the Pines to be a small community with a financial hardship. On 18 July 2008, Regional Water Board staff requested that State Water Board economic staff evaluate Lake of the Pines for compliance with the criteria for a small community with a financial hardship. One of the necessary criteria is that the median household income must be below 80% of the median household income for the State of California. State Water Board staff utilized information from the 2000 U.S. census to determine that Lake of the Pines is not a small community with a financial hardship because the median household income exceeds the California median household income. Therefore, this ACL Complaint does not allow the assessed penalty to be applied to a compliance project.

California Environmental Protection Agency

Pursuant to CWC section 13323, the Discharger may:

- Pay the assessed civil liability and waive its right to a hearing before the Regional Water Board by signing the enclosed waiver (checking off the box next to item #4) and submitting it to this office by **27 August 2008**, along with payment for the full amount;
- Agree to enter into settlement discussions with the Regional Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and submitting it to this office by **27 August 2008; or**
- Contest the Complaint and/or enter into settlement discussions with the Regional Water Board without signing the enclosed waiver.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations in the Complaint. This settlement will be considered final pending a 30-day period, starting from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Barry Hilton. Should the Regional Water Board receive new information or comments during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint.

If the Regional Water Board does not receive a waiver and a check for the full amount within 30 days of the date of this Complaint (**by 27 August 2008**), then a hearing will be scheduled for the **23/24 October 2008** Regional Water Board meeting in Rancho Cordova. Specific notice about this hearing and its procedures will be provided under separate cover.

Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Barry Hilton, **no later than 5 p.m. on 27 August 2008**. This includes material submitted by the discharger to be considered at a hearing and material submitted by interested parties, including members of the public, who wish to comment on the proposed settlement. If the Regional Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement. Written materials received after **5 p.m. on 27 August 2008** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Barry Hilton at (916) 464-4762 or Patricia Leary at (916) 445-4623.



WENDY WYELS

Environmental Program Manager
Compliance and Enforcement Section

Enclosure: ACLC No. R5-2008-0553

cc w/encl: Ms. Pamela Creedon, Executive Officer
Dan Radulescu, CVRWQCB, Rancho Cordova
Mr. Kenneth Greenberg, USEPA, Region 9, San Francisco
Mr. Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento
Mr. Reed Sato, Office of Enforcement, SWRCB, Sacramento
Ms. Lori Okun, Office of Chief Counsel, SWRCB, Sacramento
Ms. Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento
Ms. Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova
Nevada County Department of Environmental Health, Nevada City
Mr. Bill Jennings, California Sport Fishing Protection Alliance, Stockton

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0553

MANDATORY PENALTY
IN THE MATTER OF

NEVADA COUNTY SANITATION DISTRICT NO. 1
LAKE OF THE PINES WASTEWATER TREATMENT PLANT
NEVADA COUNTY

This Complaint is issued to the Nevada County Sanitation District No. 1, Lake of the Pines, Wastewater Treatment Plant (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability, CWC section 13323, which authorizes the Executive Officer to issue this Complaint, and CWC section 7, which authorizes the delegation of the Executive Officer's authority to a deputy, in this case the Assistant Executive Officer. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order No. 95-114 and R5-2002-0095 (NPDES No. CA0081612).

The Assistant Executive Officer of the Central Valley Regional Water Quality Control Board (Regional Water Board) finds the following:

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service for the community of Lake of the Pines. Treated wastewater is discharged to Magnolia Creek, tributary to the Bear River, a water of the United States.
2. On 26 May 1995, the Regional Water Board adopted WDRs Order No. 95-114 to regulate discharges of waste from the wastewater treatment plant (WWTP). On 7 June 2002, the Regional Water Board adopted WDRs Order No. R5-2002-0095, which contained new requirements and rescinded WDRs Order No. 95-114.
3. On 7 June 2002, the Regional Water Board adopted Cease and Desist Order (CDO) No. R5-2002-0096, requiring the Discharger to cease discharging contrary to WDRs Order No. R5-2002-0095. The Regional Water Board adopted CDO No. R5-2002-0096 to allow the Discharger until 30 April 2007 to complete construction to comply with Effluent Limitations for aluminum, ammonia, nitrate plus nitrite, and nitrite.
4. On 22 June 2007, the Regional Water Board adopted TSO No. R5-2007-0072. This Order allows the Discharger until 1 April 2008 to comply with final effluent limitations, and includes interim effluent limitations for BOD, total suspended solids, and total coliform organisms. The interim effluent limitations remain in effect until 1 April 2008, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner. This Complaint considered the interim effluent limitations and the protection from Mandatory Minimum Penalties provided by CDO No. R5-2002-0096 and TSO No. R5-2007-0072.

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. 10-0000-0000
MANDATORY PENALTY
NEVADA COUNTY SANITATION DISTRICT NO. 1
LAKE OF THE PINES WASTEWATER TREATMENT PLANT
NEVADA COUNTY

5. CWC sections 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

CWC section 13385(h)(1) states, "Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation."

CWC section 13385 (h)(2) states, "For the purposes of this section, a 'serious violation' means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more."

CWC section 13385(i)(1) states, "Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- A) Violates a waste discharge requirement effluent limitation.
- B) Fails to file a report pursuant to Section 13260.
- C) Files an incomplete report pursuant to Section 13260.
- D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants."

6. CWC section 13323 states, in part:

"Any executive officer of a regional board may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to this article. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability."

7. WDRs Order No. 95-114 Effluent Limitations No. B.2. include, in part, the following effluent limitations: "The discharge to Magnolia Creek of an effluent in excess of the following limits is prohibited:"

MANDATORY PENALTY
NEVADA COUNTY SANITATION DISTRICT NO. 1
LAKE OF THE PINES WASTEWATER TREATMENT PLANT
NEVADA COUNTY

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
BOD ¹	mg/L	15	20	—	30
	lbs/day ²	90	120	—	180
Total Suspended Solids	mg/L	15	20	—	40
	lbs/day ²	90	120	—	240
Total Coliform Organisms	MPN/100 mL	—	—	2.2	23

¹ 5-day, 20°C biochemical oxygen demand (BOD)

² Based upon a design treatment capacity of 0.72 mgd.

8. WDRs Order No. R5-2002-0095 Effluent Limitations B.1. include, in part the following effluent limitations: "*Effluent discharge to Magnolia Creek shall not exceed the following limitations:*"

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Median Monthly</u>	<u>Average Weekly</u>	<u>Average Daily</u>	<u>Daily Maximum</u>
BOD ¹	mg/L	15 ²		20 ²	30 ²	
	lbs/day ³	90		120	180	
Total Suspended Solids	mg/L	15 ²		20 ²	40 ²	
	lbs/day ³	90		120	240	
Settleable Solids	mL/L	0.1	—	—	0.2	—
Total Coliform Organisms	MPN/100 mL	—	2.2	—	—	23

¹ 5-day, 20°C biochemical oxygen demand (BOD)

² To be ascertained by a 24-hour composite

³ Based upon a design treatment capacity of 0.72 mgd ($x \text{ mg/L} \times 8.345 \times 0.72 \text{ mgd} = y \text{ lbs/day}$)

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-day</u>	<u>Average Daily</u>	<u>Average 1-Hour</u>
Ammonia (as N)	mg/L	Attachment B	—	—	Attachment C
	lbs/day ²	—	—	—	—
Aluminum	µg/L	—	87	—	750
	lbs/day ¹	—	0.522	—	4.5

¹ Based upon a design treatment capacity of 0.72 mgd ($x \text{ mg/L} \times 8.345 \times 0.72 \text{ mgd} = y \text{ lbs/day}$)

² The mass limit (lb/day) for ammonia shall be equal to the concentration limit (from Attachments) multiplied by the design flow of 0.72 mgd and the unit conversion factor of 8.345 (see footnote 1 for equation).

9. According to the Discharger's self-monitoring reports, the Discharger committed thirty-one (31) serious Group I violations of the above effluent limitations contained in Order Nos. 95-114 and R5-2002-0095 during the period beginning 1 January 2000 and ending 31 March 2008. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for this serious violation is **ninety-three thousand dollars (\$93,000)**.

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2002-0095
MANDATORY PENALTY
NEVADA COUNTY SANITATION DISTRICT NO. 1
LAKE OF THE PINES WASTEWATER TREATMENT PLANT
NEVADA COUNTY

10. According to the Discharger's self-monitoring reports, the Discharger committed twenty-two (22) non-serious violations of the above effluent limitations contained in Order Nos. 95-114 and R5-2002-0095 during the period beginning 1 January 2000 and ending 31 March 2008. Twelve (12) of the non-serious violations are subject to mandatory penalties under CWC section 13385(i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these non-serious violations is **thirty-six thousand dollars (\$36,000)**.
11. The total amount of the mandatory penalties assessed for the cited effluent violations is **one hundred twenty-nine thousand dollars (\$129,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.
12. Issuance of this Administrative Civil Liability Complaint to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

NEVADA COUNTY SANITATION DISTRICT NO. 1, LAKE OF THE PINES WASTEWATER TREATMENT PLANT, IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Regional Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **one hundred twenty-nine thousand dollars (\$129,000)**.
2. A hearing on this matter will be held at the Regional Water Board meeting scheduled on **23/24 October 2008**, unless the Discharger does either of the following by **27 August 2008**:
 - a) *Waives the hearing by completing the attached form (checking off the box next to item #4) and returning it to the Regional Water Board, along with payment for the proposed civil liability of **one hundred and twenty-nine thousand dollars (\$129,000)**; or*
 - b) *Agrees to enter into settlement discussions with the Regional Water Board and requests that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and returning it to the Regional Water Board.*
3. If a hearing on this matter is held, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.



JACK E. DEL CONTE, Assistant Executive Officer

28 July 2008

Nevada County Sanitation District No. 1
Lake of the Pines Wastewater Treatment Plant
RECORD OF VIOLATIONS (1 January 2000 – 31 March 2008) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program Nos. 95-114 and R5-2002-0095)

	<u>Date</u>	<u>Violation</u> <u>Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Flow</u> <u>Rate*</u>	<u>Remarks</u>
1	21-Jan-00	BOD	lbs/day	120	128	Weekly	1.16	5
2	23-Jan-00	BOD	lbs/day	120	162	Weekly	1.19	5
3	31-Jan-00	BOD	lbs/day	90	145	Monthly	0.59	1
4	13-Feb-00	BOD	lbs/day	120	216	Weekly	1.45	5
5	15-Feb-00	TCO	MPN/100 mL	23	900	Daily		3
6	17-Feb-00	BOD	lbs/day	180	260	Daily	1.51	5
7	17-Feb-00	TCO	MPN/100 mL	23	500	Daily		3
8	23-Feb-00	TCO	MPN/100 mL	23	130	Daily		4
9	28-Feb-00	BOD	lbs/day	90	108	Monthly	1.08	5
10	27-Jan-01	TSS	mg/L	20	21	Weekly		3
11	27-Jan-01	TSS	lbs/day	120	179	Weekly	0.86	5
12	31-Jan-01	TSS	mg/L	15	19	Monthly		3
13	31-Jan-01	TSS	lbs/day	90	120	Monthly	0.2	3
14	31-Mar-02	BOD	mg/L	90	91	Monthly		3
15	28-Sep-02	TSS	mg/L	20	22	Weekly		3
16	30-Sep-02	TSS	mg/L	15	22	Monthly		1
17	11-Feb-03	TSS	lbs/day	240	817	Daily	1.19	5
18	11-Feb-03	TSS	mg/L	40	82	Daily		1
19	15-Feb-03	TSS	lbs/day	120	413	Weekly	1.31	5
20	15-Feb-03	TSS	mg/L	20	43	Weekly		1
21	28-Feb-03	TSS	lbs/day	90	279	Monthly	0.54	1
22	28-Feb-03	TSS	mg/L	15	28	Monthly		1
23	9-Mar-03	BOD	lbs/day	120	149	Weekly	1.26	5
24	13-Mar-03	BOD	lbs/day	180	269	Daily	1.15	5
25	10-May-03	SS	mL/L	0.2	0.3	Daily		1
26	31-May-03	SS	mL/L	0.1	0.2	Monthly		1
27	27-Oct-03	SS	mL/L	0.2	0.5	Daily		1
28	28-Oct-03	SS	mL/L	0.2	0.5	Daily		1
29	29-Oct-03	SS	mL/L	0.2	0.5	Daily		1
30	30-Oct-03	SS	mL/L	0.2	0.5	Daily		1
31	31-Oct-03	SS	mL/L	0.2	0.5	Daily		1
32	31-Oct-03	SS	mL/L	0.1	0.5	Monthly		1
33	31-Oct-03	TSS	mg/L	15	23	Monthly		1
34	1-Nov-03	TSS	mg/L	20	23	Weekly		4
35	16-Dec-03	TCO	MPN/100 mL	23	30	Daily		4
36	17-Dec-03	BOD	lbs/day	180	188	Daily	1.25	5
37	17-Dec-03	BOD	lbs/day	120	127	Weekly	0.97	5
38	17-Dec-03	TSS	lbs/day	120	175	Weekly	0.97	5
39	31-Dec-03	BOD	lbs/day	90	117	Monthly	1.1	5
40	31-Dec-03	BOD	lbs/day	120	179	Weekly	1.34	5
41	31-Dec-03	TSS	lbs/day	90	130	Monthly	1.1	5
42	31-Dec-03	TSS	lbs/day	120	129	Weekly	1.34	5
43	2-Jan-04	BOD	lbs/day	120	143	Weekly	1.34	5
44	9-Jan-04	SS	mL/L	0.2	0.3	Daily		1
45	31-Jan-04	BOD	lbs/day	90	96	Monthly	0.85	5
46	4-Feb-04	BOD	lbs/day	120	137	Weekly	1.3	5

ATTACHMENT A
 ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0553
 MANDATORY PENALTY
 NEVADA COUNTY SANITATION DISTRICT NO. 1
 LAKE OF THE PINES WASTEWATER TREATMENT PLANT
 NEVADA COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Flow Rate*</u>	<u>Remarks</u>
47	4-Feb-04	TSS	lbs/day	120	170	Weekly	1.3	5
48	28-Feb-04	BOD	lbs/day	90	98	Monthly	1.21	5
49	17-Oct-04	TSS	lbs/day	120	125	Weekly	1.13	5
50	31-Oct-04	TSS	lbs/day	90	106	Monthly	0.79	5
51	31-Oct-04	TSS	mg/L	15	16	Monthly		3
52	31-Jan-06	BOD	lbs/day	90	101	Monthly	1.19	5
53	31-Jan-06	TSS	lbs/day	90	92	Monthly	1.19	5
54	1-Feb-06	BOD	lbs/day	180	269	Daily	1.33	5
55	3-Feb-06	BOD	lbs/day	180	269	Daily	1.31	5
56	3-Feb-06	BOD	lbs/day	120	269	Weekly	1.32	5
57	3-Feb-06	TSS	lbs/day	120	160	Weekly	1.32	5
58	8-Feb-06	BOD	lbs/day	180	269	Daily	0.57	1
59	10-Feb-06	BOD	lbs/day	120	269	Weekly	0.97	5
60	11-Feb-06	TSS	mg/L	20	25	Weekly		3
61	28-Feb-06	BOD	lbs/day	90	269	Monthly	1.16	5
62	28-Feb-06	BOD	mg/L	15	16	Monthly		3
63	28-Feb-06	TSS	mg/L	15	18	Monthly		4
64	28-Feb-06	TSS	lbs/day	90	146	Monthly	1.16	5
65	10-Mar-06	BOD	lbs/day	120	168	Weekly	1.43	5
66	15-Mar-06	BOD	lbs/day	180	200	Daily	1.41	5
67	16-Mar-06	BOD	lbs/day	180	246	Daily	1.41	5
68	17-Mar-06	BOD	lbs/day	120	223	Weekly	1.41	5
69	17-Mar-06	TSS	lbs/day	120	128	Weekly	1.41	5
70	22-Mar-06	BOD	lbs/day	180	314	Daily	1.39	5
71	24-Mar-06	BOD	mg/L	30	38	Daily		4
72	24-Mar-06	BOD	lbs/day	180	437	Daily	1.38	5
73	24-Mar-06	BOD	lbs/day	120	376	Weekly	1.39	5
74	25-Mar-06	BOD	mg/L	20	23	Weekly		4
75	28-Mar-06	BOD	lbs/day	180	296	Daily	1.36	5
76	31-Mar-06	BOD	lbs/day	180	367	Daily	1.42	5
77	31-Mar-06	BOD	mg/L	30	31	Daily		4
78	31-Mar-06	BOD	lbs/day	90	240	Monthly	1.41	5
79	31-Mar-06	BOD	mg/L	15	19	Monthly		4
80	31-Mar-06	BOD	lbs/day	120	332	Weekly	1.42	5
81	31-Mar-06	BOD	mg/L	20	29	Weekly		1
82	31-Mar-06	TSS	lbs/day	90	96	Monthly	1.41	5
83	1-Apr-06	BOD	mg/L	20	25	Weekly		4
84	5-Apr-06	BOD	mg/L	30	33	Daily		4
85	5-Apr-06	BOD	lbs/day	180	269	Daily	1.46	5
86	6-Apr-06	BOD	lbs/day	180	269	Daily	1.43	5
87	6-Apr-06	BOD	lbs/day	120	269	Weekly	1.42	5
88	13-Apr-06	BOD	lbs/day	180	269	Daily	1.44	5
89	14-Apr-06	BOD	lbs/day	180	307	Daily	1.42	5
90	14-Apr-06	BOD	mg/L	19	26	Weekly		4
91	14-Apr-06	BOD	lbs/day	120	288	Weekly	1.43	5

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0553
MANDATORY PENALTY
NEVADA COUNTY SANITATION DISTRICT NO. 1
LAKE OF THE PINES WASTEWATER TREATMENT PLANT
NEVADA COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Flow Rate*</u>	<u>Remarks</u>
92	20-Apr-06	BOD	lbs/day	180	269	Daily	1.35	5
93	21-Apr-06	BOD	lbs/day	180	269	Daily	1.36	5
94	21-Apr-06	BOD	lbs/day	120	269	Weekly	1.38	5
95	30-Apr-06	BOD	mg/L	15	22	Monthly		1
96	30-Apr-06	BOD	lbs/day	90	247	Monthly	1.38	5
97	3-Feb-07	BOD	lbs/day	180	269	Daily	1.3	5
98	3-Feb-07	BOD	lbs/day	120	269	Weekly	1.3	5
99	4-Feb-07	BOD	lbs/day	120	269	Weekly	1.35	5
100	7-Feb-07	BOD	lbs/day	180	269	Daily	1.33	5
101	8-Feb-07	BOD	lbs/day	180	269	Daily	1.38	5
102	11-Feb-07	BOD	lbs/day	120	203	Weekly	1.36	5
103	15-Feb-07	BOD	lbs/day	180	269	Daily	1.31	5
104	18-Feb-07	BOD	lbs/day	120	269	Weekly	1.24	5
105	21-Feb-07	BOD	lbs/day	180	269	Daily	1.31	5
106	23-Feb-07	BOD	lbs/day	180	269	Daily	1.25	5
107	28-Feb-07	BOD	lbs/day	90	224	Monthly	1.31	5
108	19-Dec-07	Aluminum	lbs/day	0.52	2.8	4-day	0.86	5
109	19-Dec-07	Aluminum	µg/L	87	432	4-day		1
110	30-Dec-07	Ammonia	lbs/day	35.5	80	Monthly	0.86	5
111	30-Dec-07	Ammonia	mg/L	5.91	8	Monthly		4
112	02-Jan-08	Aluminum	lbs/day	0.52	1.42	4-day	0.80	5
113	02-Jan-08	Aluminum	µg/L	87	214	4-day		1
114	09-Jan-08	Aluminum	lbs/day	0.522	4.98	4-day	1.05	5
115	09-Jan-08	Aluminum	µg/L	87	568	4-day		1
116	16-Jan-08	Aluminum	lbs/day	0.52	2.14	4-day	1.07	5
117	16-Jan-08	Aluminum	µg/L	87	240	4-day		1
118	22-Jan-08	Aluminum	lbs/day	0.52	1.40	4-day	1.06	5
119	22-Jan-08	Aluminum	µg/L	87	158	4-day		1
120	29-Jan-08	Aluminum	lbs/day	0.52	1.47	4-day	0.82	5
121	29-Jan-08	Aluminum	µg/L	87	215	4-day		1
122	06-Feb-08	Aluminum	lbs/day	0.52	1.1	4-day	0.71	1
123	06-Feb-08	Aluminum	µg/L	87	186	4-day		1
124	13-Feb-08	Aluminum	lbs/day	0.52	1.2	4-day	0.79	5
125	13-Feb-08	Aluminum	µg/L	87	175	4-day		1
126	28-Feb-08	Aluminum	lbs/day	0.52	0.9	4-day	0.5	1
127	28-Feb-08	Aluminum	µg/L	87	215	4-day		1
128	29-Feb-08	Ammonia	lbs/day	37	93	Monthly	0.73	5
129	29-Feb-08	Ammonia	mg/L	6.12	16	Monthly		1

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.
5. Mass rate limitation exceedances due only to wet weather not assessed MMPs as the permit limit is based on the dry weather design treatment capacity of 0.72 mgd.

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0553
MANDATORY PENALTY
NEVADA COUNTY SANITATION DISTRICT NO. 1
LAKE OF THE PINES WASTEWATER TREATMENT PLANT
NEVADA COUNTY

<u>VIOLATIONS AS OF:</u>	<u>3/31/2008</u>
Group I Serious Violations:	31
Group II Serious Violations:	0
Non-Serious Exempt from MPs:	10
Non-serious Violations Subject to MPs:	12
Mass Limit Violations Not Subject to MPs:	76
<u>Total Violations Subject to MPs:</u>	<u>43</u>

Mandatory Minimum Penalty = (31 Serious Violations + 12 Non-Serious Violations) x \$3,000 = \$129,000

*Arithmetic mean of all 1-day flow rates (in MGD) of effluent while discharging to surface waters. Values greater than 0.72 MGD are considered wet weather flows.

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[Laws in effect as of January 3, 2006]

[CITE: 28USC2462]

TITLE 28--JUDICIARY AND JUDICIAL PROCEDURE

PART VI--PARTICULAR PROCEEDINGS

CHAPTER 163--FINES, PENALTIES AND FORFEITURES

~~Sec. 2462. Time for commencing proceedings.~~

Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued if, within the same period, the offender or the property is found with the United States in order that proper service may be made thereon.

(June 25, 1948, ch. 646, 62 Stat. 974.)

Historical and Revision Notes

Based on title 28, U.S.C., 1940 ed., Sec. 791 (R.S. Sec. 1047).
Changes were made in phraseology.

CODE OF CIVIL PROCEDURE

SECTION 335-349.4

~~335. The periods prescribed for the commencement of actions other than for the recovery of real property, are as follows:~~

335.1. Within two years: An action for assault, battery, or injury to, or for the death of, an individual caused by the wrongful act or neglect of another.

336. Within five years:

(a) An action for mesne profits of real property.

(b) An action for violation of a restriction, as defined in Section 784 of the Civil Code. The period prescribed in this subdivision runs from the time the person seeking to enforce the restriction discovered or, through the exercise of reasonable diligence, should have discovered the violation. A failure to commence an action for violation of a restriction within the period prescribed in this subdivision does not waive the right to commence an action for any other violation of the restriction and does not, in itself, create an implication that the restriction is abandoned, obsolete, or otherwise unenforceable. This subdivision shall not bar commencement of an action for violation of a restriction before January 1, 2001, and until January 1, 2001, any other applicable statutory or common law limitation shall continue to apply to that action.

336a. Within six years. 1. An action upon any bonds, notes or debentures issued by any corporation or pursuant to permit of the Commissioner of Corporations, or upon any coupons issued with such bonds, notes or debentures, if such bonds, notes or debentures shall have been issued to or held by the public.

2. An action upon any mortgage, trust deed or other agreement pursuant to which such bonds, notes or debentures were issued. Nothing in this section shall apply to bonds or other evidences of indebtedness of a public district or corporation.

337. Within four years: 1. An action upon any contract, obligation or liability founded upon an instrument in writing, except as provided in Section 336a of this code; provided, that the time within which any action for a money judgment for the balance due upon an obligation for the payment of which a deed of trust or mortgage with power of sale upon real property or any interest therein was given as security, following the exercise of the power of sale in such deed of trust or mortgage, may be brought shall not extend beyond three months after the time of sale under such deed of trust or mortgage.

2. An action to recover (1) upon a book account whether consisting of one or more entries; (2) upon an account stated based upon an account in writing, but the acknowledgment of the account stated need not be in writing; (3) a balance due upon a mutual, open and current account, the items of which are in writing; provided, however, that where an account stated is based upon an account of one item, the time shall begin to run from the date of said item, and where an account stated is based upon an account of more than one item, the time shall begin to run from the date of the last item.

3. An action based upon the rescission of a contract in writing. The time begins to run from the date upon which the facts that entitle the aggrieved party to rescind occurred. Where the ground for rescission is fraud or mistake, the time does not begin to run until the discovery by the aggrieved party of the facts constituting the fraud or mistake. Where the ground for rescission is misrepresentation under Section 359 of the Insurance Code, the time does not begin to run until the representation becomes false.

337a. The term "book account" means a detailed statement which constitutes the principal record of one or more transactions between a debtor and a creditor arising out of a contract or some fiduciary relation, and shows the debits and credits in connection therewith, and against whom and in favor of whom entries are made, is entered in the regular course of business as conducted by such creditor or fiduciary, and is kept in a reasonably permanent form and manner and is (1) in a bound book, or (2) on a sheet or sheets fastened in a book or to backing but detachable therefrom, or (3) on a card or cards of a permanent character, or is kept in any other reasonably permanent form and manner.

337.1. (a) Except as otherwise provided in this section, no action

shall be brought to recover damages from any person performing or furnishing the design, specifications, surveying, planning, supervision or observation of construction or construction of an improvement to real property more than four years after the substantial completion of such improvement for any of the following:

- (1) Any patent deficiency in the design, specifications, surveying, planning, supervision or observation of construction or construction of an improvement to, or survey of, real property;
 - (2) Injury to property, real or personal, arising out of any such patent deficiency; or
 - (3) Injury to the person or for wrongful death arising out of any such patent deficiency.
- (b) If, by reason of such patent deficiency, an injury to property or the person or an injury causing wrongful death occurs during the fourth year after such substantial completion, an action in tort to recover damages for such an injury or wrongful death may be brought within one year after the date on which such injury occurred, irrespective of the date of death, but in no event may such an action be brought more than five years after the substantial completion of construction of such improvement.
- (c) Nothing in this section shall be construed as extending the period prescribed by the laws of this state for the bringing of any action.
- (d) The limitation prescribed by this section shall not be asserted by way of defense by any person in actual possession or the control, as owner, tenant or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury or death for which it is proposed to bring an action.
- (e) As used in this section, "patent deficiency" means a deficiency which is apparent by reasonable inspection.
- (f) Subdivisions (a) and (b) shall not apply to any owner-occupied single-unit residence.

337.15. (a) No action may be brought to recover damages from any person, or the surety of a person, who develops real property or performs or furnishes the design, specifications, surveying, planning, supervision, testing, or observation of construction or construction of an improvement to real property more than 10 years after the substantial completion of the development or improvement for any of the following:

- (1) Any latent deficiency in the design, specification, surveying, planning, supervision, or observation of construction or

construction of an improvement to, or survey of, real property.

(2) Injury to property, real or personal, arising out of any such latent deficiency.

(b) As used in this section, "latent deficiency" means a deficiency which is not apparent by reasonable inspection.

(c) As used in this section, "action" includes an action for indemnity brought against a person arising out of that person's performance or furnishing of services or materials referred to in this section, except that a cross-complaint for indemnity may be filed pursuant to subdivision (b) of Section 428.10 in an action which has been brought within the time period set forth in subdivision (a) of this section.

(d) Nothing in this section shall be construed as extending the period prescribed by the laws of this state for bringing any action.

(e) The limitation prescribed by this section shall not be asserted by way of defense by any person in actual possession or the control, as owner, tenant or otherwise, of such an improvement, at the time any deficiency in the improvement constitutes the proximate cause for which it is proposed to bring an action.

(f) This section shall not apply to actions based on willful misconduct or fraudulent concealment.

(g) The 10-year period specified in subdivision (a) shall commence upon substantial completion of the improvement, but not later than the date of one of the following, whichever first occurs:

(1) The date of final inspection by the applicable public agency.

(2) The date of recordation of a valid notice of completion.

(3) The date of use or occupation of the improvement.

(4) One year after termination or cessation of work on the improvement.

The date of substantial completion shall relate specifically to the performance or furnishing design, specifications, surveying, planning, supervision, testing, observation of construction or construction services by each profession or trade rendering services to the improvement.

337.2. Where a lease of real property is in writing, no action shall be brought under Section 1951.2 of the Civil Code more than four years after the breach of the lease and abandonment of the property, or more than four years after the termination of the right of the lessee to possession of the property, whichever is the earlier time.

337.5. Within 10 years:

1. An action upon any bonds or coupons issued by the State of California.
2. An action upon any general obligation bonds or coupons, not secured in whole or in part by a lien on real property, issued by any county, city and county, municipal corporation, district (including school districts), or other political subdivision of the State of California.
3. An action upon a judgment or decree of any court of the United States or of any state within the United States.

337.6. Notwithstanding the provisions of Section 337.5 of this code actions may be brought on bonds or coupons as set forth in subsection 2 of said section, against which the statute of limitations ran on or after August 27, 1937; provided, such actions are brought on or before June 30, 1959. Upon presentation for payment they shall be registered and payment shall not be made thereon until the next fiscal year following presentation unless available funds are sufficient to first pay obligations which are due or will become due from the same fund during the fiscal year of presentation and during the next succeeding six months. Interest shall not be paid on bonds or coupons registered for the purpose of this section.

~~338. Within three years:~~

- (a) An action upon a liability created by statute, other than a penalty or forfeiture.
- (b) An action for trespass upon or injury to real property.
- (c) An action for taking, detaining, or injuring any goods or chattels, including actions for the specific recovery of personal property. The cause of action in the case of theft, as defined in Section 484 of the Penal Code, of any article of historical, interpretive, scientific, or artistic significance is not deemed to have accrued until the discovery of the whereabouts of the article by the aggrieved party, his or her agent, or the law enforcement agency that originally investigated the theft.
- (d) An action for relief on the ground of fraud or mistake. The cause of action in that case is not deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the

fraud or mistake.

(e) An action upon a bond of a public official except any cause of action based on fraud or embezzlement is not deemed to have accrued until the discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action upon the bond.

(f) (1) An action against a notary public on his or her bond or in his or her official capacity except that any cause of action based on malfeasance or misfeasance is not deemed to have accrued until discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action.

(2) Notwithstanding paragraph (1), an action based on malfeasance or misfeasance shall be commenced within one year from discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action or within three years from the performance of the notarial act giving rise to the action, whichever is later.

(3) Notwithstanding paragraph (1), an action against a notary public on his or her bond or in his or her official capacity shall be commenced within six years.

(g) An action for slander of title to real property.

(h) An action commenced under Section 17536 of the Business and Professions Code. The cause of action in that case shall not be deemed to have accrued until the discovery by the aggrieved party, the Attorney General, the district attorney, the county counsel, the city prosecutor, or the city attorney of the facts constituting grounds for commencing the action.

(i) An action commenced under the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code). The cause of action in that case shall not be deemed to have accrued until the discovery by the State Water Resources Control Board or a regional water quality control board of the facts constituting grounds for commencing actions under their jurisdiction.

(j) An action to recover for physical damage to private property under Section 19 of Article I of the California Constitution.

(k) An action commenced under Division 26 (commencing with Section 39000) of the Health and Safety Code. These causes of action shall not be deemed to have accrued until the discovery by the State Air Resources Board or by a district, as defined in Section 39025 of the Health and Safety Code, of the facts constituting grounds for commencing the action under its jurisdiction.

(l) An action commenced under Section 1603.1, 1615, or 5650.1 of the Fish and Game Code. These causes of action shall not be deemed to have accrued until discovery by the agency bringing the action of the facts constituting the grounds for commencing the action.

(m) An action challenging the validity of the levy upon a parcel



NEVADA COUNTY SANITATION DISTRICT NO. 1

950 MAIDU AVENUE, NEVADA CITY, CA 95959-8617

(530) 265-1411 FAX (530) 265-9849 <http://new.mynewevadacounty.com>

Steven L. DeCamp
Deputy District Administrator

Mark Miller
Director of Sanitation

July 10, 2008

File: 300.1960 001 B

"Certified Mail"

Barry Hilton, Engineer
California Regional Water Quality Control Board - Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

**SUBJECT: Response to Administrative Civil Liability Complaint No. R5-2008-0532 for
Lake Wildwood Wastewater Treatment Plant, NPDES No. CA0077828**

Dear Mr. Hilton:

The Nevada County Sanitation District No. 1, Lake Wildwood, Zone 1, (NCSD1LWW) has received the Administrative Civil Liability Complaint (ACLC) No. R5-2008-0532 for the Lake Wildwood Wastewater Treatment Plant dated June 16, 2008, from the California Regional Water Quality Control Board - Central Valley Region (RWQCB) (copy enclosed).

The NCSD1LWW appreciates the consideration shown by the RWQCB in the reduction of the administrative civil liability amount from \$357,000, as originally shown in the Draft Record of Violations, down to \$303,000 for the period of January 1, 2000, through December 31, 2007, as shown in the Revised Record of Violations.

- NCSD1LWW requests that portion of the assessed Mandatory Minimum Penalty (MMP) amount of \$48,000 for sixteen turbidity violations be deleted. We understand that the turbidity effluent limitations in the previous two Waste Discharge Requirements (Order No. 95-115 and Order No. R5-2002-0093) perhaps should not have been effluent limitations. Those limitations were solely intended as an operational check to insure that the treatment system was functioning properly and could meet the limits for solids and coliform. Those limitations were not intended to regulate turbidity in the receiving water. Rather, turbidity is an operational parameter to determine proper system functioning and not a water quality based limitation. Turbidity is no longer included as an effluent limit in the draft Waste Discharge Requirements (WDRs) for the Lake Wildwood Wastewater Treatment Plant that is currently being reviewed by NCSD1LWW. A copy of the draft WDRs Section IV.A., Final Effluent Limitations (pages 10 and 11) and Attachment F-Fact Sheet Section IV.D.3., Satisfaction of Anti-Backsliding Requirements (pages F-31 and F-32) are attached.

- In addition to the previously discussed reduction, NCSD1LWW requests examination of the remaining violations in light of the statute of limitations under the Federal Clean Water Act (five years – United States Code 28 U.S.C. 2462) and under the California Water Code (three years – California Code of Civil Procedure Section 338 (i)). Copies of both of these references are attached. If changes are deemed appropriate under the law, NCSD1LWW requests that those changes be reflected in a further Revised Record of Violations.
- After the RWQCB completes its evaluation of the NCSD1LWW comments contained herein regarding the reduction of the ACLC amount, the NCSD1LWW requests a meeting with the RWQCB staff to discuss a proposal for a Supplemental Environmental Project in lieu of paying a portion of the reduced penalty amount since the NCSD1LWW did not qualify for the financial hardship that would allow the MMPs to be applied to the compliance project that NCSD1LWW recently completed to achieve compliance with Waste Discharge Requirement Order No. R5-2002-0093. NCSD1LWW spent approximately \$14 million on the completion of this compliance project with the annual sewer service charge per residential customer increasing from \$315 to \$905. NCSD1LWW will be spending a substantial amount on its next phase compliance project to comply with CTR requirements in its new WDRs.
- The following is a list of possible Supplemental Environmental Projects for your consideration prior to our requested meeting:
 - Ultraviolet disinfection system to replace existing chlorine disinfection system
 - Use of reclaimed water on golf course
 - Improvement of odor control at wastewater treatment plant and in collection system
 - Use of solar power at wastewater treatment plant
 - Flow monitoring system for lower Deer Creek
 - Gravel augmentation restoration on lower Deer Creek
 - Monitoring/sampling equipment for use on lower Deer Creek
 - Oxygenation system for Lake Wildwood for nutrient minimization and mercury reduction

Some of the above may be feasibility studies instead of constructed projects due to cost constraints. Your comments on this listing and/or our meeting to discuss the above would help NCSD1LWW determine which of the above project or projects it would propose in lieu of paying a portion of the reduced penalty amount.

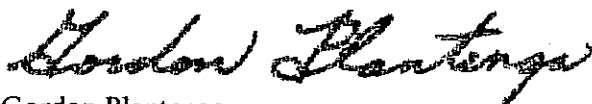
Mr. Hilton
Page 3

Thank you for your consideration in this matter.

If you have any questions, please feel free to contact me at (530) 265-7103.

Sincerely,

MARK MILLER
Nevada County Sanitation District No. 1



Gordon Plantenga
Wastewater Operations Manager

GP:ms

Enclosures

cc: Nevada County Sanitation District No. 1 Board of Directors
Sanitation District Advisory Committee
District Administrator, Rick Haffey
County Counsel, Attention: Rob Shulman
Kennedy/Jenks, Attention: Ken Shuey and Gary Carlton
RBI, Attention: Michael Bryan
RWQCB, Sacramento, Attention: Pamela Creedon, Ken Landau, Patricia Leary, and Dianna Messina
RWQCB, Redding, Attention: Jim Pedri and Dennis Wilson



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, PE, Chair



Arnold
Schwarzenegger
Governor

Sacramento Main Office
11029 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

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JUN 18 2008

CDA/DPW/DOS

16 June 2008

Mr. Michael Hill-Weld, Director
Nevada County Sanitation District No. 1
950 Maidu Ave
Nevada City, CA 95959

CERTIFIED MAIL
7007 2560 0001 7472 1728

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0532 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, NEVADA COUNTY SANITATION DISTRICT NO. 1, LAKE WILDWOOD WASTEWATER TREATMENT PLANT, NEVADA COUNTY

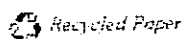
Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code CWC) section 13385, for violations of Waste Discharge Requirements Nos. 95-115 and R5-2002-0093 (NPDES No. CA0077828) by the Nevada County Sanitation District No. 1, Lake Wildwood Wastewater Treatment Plant. The Complaint charges Nevada County Sanitary District No. 1, Lake Wildwood (hereafter referred to as "Discharger"), with civil liability in the amount of **three hundred three thousand dollars (\$303,000)**, representing the sum of the statutory Mandatory Minimum Penalties imposed for effluent limitation violations.

Pursuant to CWC section 13323, the Discharger may either pay the civil liability and waive its right to a hearing before the Regional Water Board, or may contest the Complaint and exercise its right to a hearing. The Discharger has the right to a hearing before the Regional Water Board within 90 days of the service of this Complaint. If the Discharger chooses to waive this right and settle the Complaint without a hearing, then a duly authorized agent must sign the enclosed waiver and submit it to this office, along with a check for the full amount of the penalty, by **16 July 2008**. The Regional Water Board will consider submittal of the waiver and payment of the full penalty amount as a settlement of the Complaint. However, the settlement will only be considered effective after a 30-day period, starting from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Barry Hilton.

If the Regional Water Board does not receive a waiver and a check for the full amount within 30 days of the date of this Complaint (**by 16 July 2008**), then a hearing will be scheduled for the **11/12 September 2008** Regional Water Board meeting in Rancho Cordova. Specific notice about this hearing and its procedures will be provided under separate cover.

Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Barry Hilton, **no later than 5 p.m. on 16 July 2008**. This includes material submitted by the discharger to be considered at a hearing and material submitted by

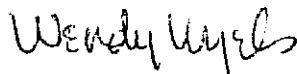
California Environmental Protection Agency



interested parties, including members of the public, who wish to comment on the proposed settlement. If the Regional Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement. Written materials received after **5 p.m. on 16 July 2008** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

The Regional Water Board is willing to entertain proposals for a Supplemental Environmental Project (SEP) under California Water Code section 13385(l). If the Discharger wishes to undertake an SEP in lieu of paying a portion of the penalty amount, then the Discharger must set up a meeting with the Regional Water Board by **1 July 2008** to present the proposal for discussion. Any SEP proposal must meet the qualification criteria in the State Water Resource Control Board's Water Quality Enforcement Policy. Information on the qualification criteria can be found at <http://www.waterboards.ca.gov/plnspols/docs/wqep.doc>. Approval of any proposed SEP lies within the discretion of the Regional Water Board.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Barry Hilton at (916) 464-4762 or Patricia Leary at (916) 445-4623.



WENDY WYELS
Environmental Program Manager
Compliance and Enforcement Section

Enclosure

cc: Ms. Pamela Creedon, Executive Officer
Mr. Kenneth Greenberg, USEPA, Region 9, San Francisco
Mr. Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento
Mr. Reed Sato, Office of Enforcement, SWRCB, Sacramento
Ms. Lori Okun, Office of Chief Counsel, SWRCB, Sacramento
Ms. Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento
Ms. Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova
Nevada County Department of Environmental Health, Nevada City
Mr. Bill Jennings, California Sport Fishing Protection Alliance, Stockton

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0532

MANDATORY PENALTY
IN THE MATTER OF

NEVADA COUNTY SANITARY DISTRICT 1
LAKE WILDWOOD WASTEWATER TREATMENT PLANT
NEVADA COUNTY

This Complaint is issued to the Nevada County Sanitary District #1, Lake Wildwood (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability, CWC section 13323, which authorizes the Executive Officer to issue this Complaint, and CWC section 7, which authorizes the delegation of the Executive Officer's authority to a deputy, in this case the Assistant Executive Officer. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order No. 95-115 and Order No. R5-2002-0093 (NPDES No. CA0077828).

The Assistant Executive Officer of the Central Valley Regional Water Quality Control Board (Regional Water Board) finds the following:

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the Lake Wildwood and Wildwood Estates Subdivisions. Treated municipal wastewater is discharged to Deer Creek, a water of the United States and tributary to the Yuba River.
2. On 26 May 1995, the Regional Water Board adopted WDRs Order No. 95-115 to regulate discharges of waste from the WWTP. On 7 June 2002, the Regional Water Board adopted WDRs Order No. R5-2002-0093, which contained new regulations and rescinded Order No. 95-115. The WDRs include effluent limitations and other requirements regarding the wastewater discharges.
3. CWC sections 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

CWC section 13385(h)(1) states, "Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation."

CWC section 13385 (h)(2) states, "For the purposes of this section, a 'serious violation' means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more."

CWC section 13385(i)(1) states, "Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- A) Violates a waste discharge requirement effluent limitation.
- B) Fails to file a report pursuant to Section 13260.
- C) Files an incomplete report pursuant to Section 13260.
- D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants."

4. CWC section 13323 states, in part:

"Any executive officer of a regional board may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to this article. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability."

5. WDRs Order No. 95-115 Effluent Limitations No. B.1. include, in part, the following effluent limitations: "During the months of May through October, the discharge of an effluent in excess of the following limits is prohibited:"

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
Total Coliform Organisms	MPN/100 mL	—	—	2.2	23
Turbidity	NTU	3	—	—	10

6. WDRs Order No. 95-115 Effluent Limitations No. B.2. include, in part, the following effluent limitations: "During the months of November through April, the discharge of an effluent in excess of the following limits is prohibited:"

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
BOD ¹	mg/L	30 ²	45 ²	—	60 ²
Chlorine Residual	mg/L	—	—	—	0.02
Total Coliform Organisms	MPN/100 mL	—	—	23	230

¹ 5-day, 20°C biochemical oxygen demand (BOD)

² To be ascertained by a 24-hour composite

7. WDRs Order No. 95-115 Effluent Limitations No. B.5. requires that "The discharge shall not have a pH less than 6.5 nor greater than 8.5."

8. WDRs Order No. R5-2002-0093 Effluent Limitations B.1. include, in part: "... the effluent shall not exceed the following limits when flow in Deer Creek provides less dilution than 20:1 (stream flow:effluent):"

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>7-day Median</u>	<u>Daily Maximum</u>	<u>1-hour Average</u>
Chlorine Residual	mg/L		0.010	--	--	0.019
Total Suspended Solids	mg/L	10 ²	15 ²	--	30 ²	--
Total Coliform Organisms	MPN/100 mL	2.2		--	23	--
Turbidity	NTU	3	--	--	10	--

² To be ascertained by a 24-hour flow proportional composite sampler.

9. WDRs Order No. R5-2002-0093 Effluent Limitations B.2. include, in part: "In addition to the above, the effluent shall not exceed the following limitations from 1 June 2006 forward:"

<u>Constituents</u>	<u>Units</u>	<u>Daily Average</u>	<u>Weekly Average</u>	<u>7-day Median</u>	<u>Daily Maximum</u>	<u>1-hour Average</u>
Total Coliform Organisms ¹	MPN/100 mL	--	--	2.2	23	--
Turbidity ²	NTU	2	--	--	5	--

¹ The total coliform organisms concentration shall not exceed 23 MPN/100 mL more than once in any 30-day period. No sample shall exceed a concentration of 240 MPN/100 mL.

² The turbidity shall not exceed 5 NTU more than 5 percent of the time within a 24-hour period. At no time shall the turbidity exceed 10 NTU.

10. WDRs Order No. R5-2002-0093 Effluent Limitations B.3. include, in part: "When flows in Deer Creek provides (sic) a minimum dilution ratio of 20:1 (stream flow:effluent)) full secondary treatment shall be provided and the coagulation system and filters shall be used to the maximum extent possible and effluent shall not exceed the following limits:

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>7-day Median</u>	<u>Daily Maximum</u>	<u>1-hour Average</u>
Nitrate + Nitrite (as N) ⁵	mg/L	10	--	--	--	--
Total Coliform Organisms	MPN/100 mL	23	--	--	240	--

⁵ The Effluent Limitations for ammonia, nitrate and nitrate (sic) are not in effect until 30 April 2007. See Cease and Desist Order No. R5-2002-0094 for details.

11. WDRs Order No. R5-2002-0093 Effluent Limitations No. B.5. requires that "The discharge shall not have a pH less than 6.5 nor greater than 8.5."
12. According to the Discharger's self-monitoring reports, the Discharger committed twelve (12) serious Group I violations of the above effluent limitations contained in Order Nos. 95-115 and R5-2002-0093 during the period beginning 1 January 2000 and ending 31 December 2007. The violations are defined as serious because measured


concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for these serious violations is **thirty-six thousand dollars (\$36,000)**.

13. According to the Discharger's self-monitoring reports, the Discharger committed six (6) serious Group II violations of the above effluent limitations contained in Order Nos. 95-115 and R5-2002-0093 during the period beginning 1 January 2000 and ending 31 December 2007. The violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by more than 20 percent on these occasions. The mandatory minimum penalty for these serious violations is **eighteen thousand dollars (\$18,000)**.
14. According to the Discharger's self-monitoring reports, the Discharger committed ninety-two (92) non-serious violations of the above effluent limitations contained in Order Nos. 95-115 and R5-2002-0093 during the period beginning 1 January 2000 and ending 31 December 2007. Eighty-three (83) of the non-serious violations are subject to mandatory penalties under CWC section 13385(i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these non-serious violations is **two hundred forty-nine thousand dollars (\$249,000)**.
15. The total amount of the mandatory penalties assessed for the cited effluent violations is **three hundred three thousand dollars (\$303,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.
16. Issuance of this Administrative Civil Liability Complaint to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

NEVADA COUNTY SANITARY DISTRICT 1, LAKE WILDWOOD, IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Regional Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **three hundred three thousand dollars (\$303,000)**.
2. A hearing on this matter will be held at the Regional Water Board meeting scheduled on **11/12 September 2008**, unless the Discharger agrees to complete the following by **16 July 2008**:
 - a) Waive the hearing by completing the attached form and returning it to the Regional Water Board; and
 - b) Pay the proposed civil liability of **three hundred three thousand dollars (\$303,000)** in full.

3. If a hearing on this matter is held, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.



JACK E. DEL CONTE, Assistant Executive Officer

16 June 2008

Attachment A: Record of Violations
BLH: 06/16/08

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0532

Nevada County Sanitation District 1
Lake Wildwood Wastewater Treatment Plant
RECORD OF VIOLATIONS (1 January 2000 – 31 December 2007) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program Nos. 95-115 and R5-2002-0093)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remark</u>
1	14-Feb-00	pH	pH Units	6.5	6.3	1-Day Minimum	3
2	12-Oct-00	Total Coliform	MPN/100 ml	2.3	1600	Daily Maximum	3
3	23-Nov-00	Chlorine Residual	mg/l	0.02	4.5	Daily Maximum	2
4	24-Nov-00	Chlorine Residual	mg/l	0.02	2.2	Daily Maximum	2
5	25-Nov-00	BOD	mg/l	15	17	Weekly Average	4
6	28-Nov-00	Total Coliform	MPN/100 ml	230	1600	Daily Average	4
7	30-Nov-00	Total Coliform	MPN/100 ml	230	1600	Daily Average	4
8	1-Dec-00	pH	pH Units	6.5	6.2	1-Day Minimum	4
9	5-Dec-00	Total Coliform	MPN/100 ml	230	1600	Daily Maximum	4
10	6-Dec-00	Total Coliform	MPN/100 ml	230	1600	Daily Maximum	4
11	7-Dec-00	Total Coliform	MPN/100 ml	230	1600	Daily Maximum	4
12	8-Dec-00	Total Coliform	MPN/100 ml	230	1600	Daily Maximum	4
13	3-Jul-01	pH	pH Units	6.5	6.3	1-Day Minimum	3
14	18-Dec-01	pH	pH Units	6.5	6.3	1-Day Minimum	3
15	23-Jan-02	Total Coliform	MPN/100 ml	230	1600	Daily Maximum	3
16	23-Jan-02	Chlorine Residual	mg/l	0.02	0.3	Daily Maximum	2
17	23-Apr-02	pH	pH Units	8.5	8.9	1-Day Maximum	4
18	31-May-02	Turbidity	NTU	3	4	Monthly Average	4
19	6-Jun-02	pH	pH Units	6.5	6.3	1-Day Minimum	4
20	1-Aug-02	pH	pH Units	6.5	6.3	1-Day Minimum	4
21	6-Aug-02	pH	pH Units	6.5	6.4	1-Day Minimum	4
22	27-Aug-02	pH	pH Units	6.5	6.4	1-Day Minimum	4
23	22-Nov-02	Total Coliform	MPN/100 ml	23	1600	Daily Maximum	4
24	4-Dec-02	pH	pH Units	6.5	6.4	1-Day Minimum	4
25	5-Dec-02	pH	pH Units	6.5	6.2	1-Day Minimum	4
26	31-Dec-02	Turbidity	NTU	3	5	Monthly Average	1
27	27-Feb-03	pH	pH Units	6.5	6.4	1-Day Minimum	4
28	27-May-03	pH	pH Units	6.5	6.2	1-Day Minimum	4
29	3-Jun-03	pH	pH Units	8.5	8.8	1-Day Maximum	4
30	9-Jul-03	pH	pH Units	8.5	10.3	1-Day Maximum	4
31	17-Jul-03	pH	pH Units	8.5	10.3	1-Day Maximum	4
32	12-Aug-03	pH	pH Units	8.5	8.7	1-Day Maximum	4
33	31-Aug-03	Turbidity	NTU	3	4	Monthly Average	4
34	9-Sep-03	TSS	mg/l	30	34	Daily Maximum	4
35	29-Sep-03	Chlorine Residual	mg/l	0.019	0.35	1-Hour Average	2
36	6-Nov-03	pH	pH Units	6.5	6.1	1-Day Minimum	4
37	19-Nov-03	Total Coliform	MPN/100 ml	23	50	Daily Maximum	4
38	25-Nov-03	Total Coliform	MPN/100 ml	23	110	Daily Maximum	4
39	26-Nov-03	pH	pH Units	6.5	6.2	1-Day Minimum	4

ATTACHMENT A
NEVADA COUNTY SANITARY DISTRICT 1
LAKE WILDWOOD WASTEWATER TREATMENT PLANT
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-0532

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remark</u>
40	26-Nov-03	Total Coliform	MPN/100 ml	23	220	Daily Maximum	4
41	30-Nov-03	Total Coliform	MPN/100 ml	2.2	4	Monthly Average	4
42	31-Jan-04	Total Coliform	MPN/100 ml	2.2	4	Monthly Average	4
43	29-Jun-04	Total Coliform	MPN/100 ml	23	30	Daily Maximum	3
44	30-Jun-04	Turbidity	NTU	3	5	Monthly Average	1
45	6-Jul-04	Chlorine Residual	mg/l	0.019	4	1-Hour Average	2
46	31-Aug-04	Turbidity	NTU	3	7	Monthly Average	1
47	30-Sep-04	Turbidity	NTU	3	6	Monthly Average	1
48	30-Nov-04	Total Coliform	MPN/100 ml	2.2	4	Monthly Average	4
49	31-Dec-04	Total Coliform	MPN/100 ml	2.2	4	Monthly Average	4
50	31-Dec-04	Turbidity	NTU	3	4	Monthly Average	4
51	3-Jan-05	Total Coliform	MPN/100 ml	23	170	Daily Maximum	4
52	4-Jan-05	Total Coliform	MPN/100 ml	23	50	Daily Maximum	4
53	5-Jan-05	Total Coliform	MPN/100 ml	23	50	Daily Maximum	4
54	31-Jan-05	Total Coliform	MPN/100 ml	2.2	4	Monthly Average	4
55	30-Apr-05	Total Coliform	MPN/100 ml	2.2	4	Monthly Average	4
56	31-May-05	Total Coliform	MPN/100 ml	2.2	4	Monthly Average	4
57	30-Jun-05	Total Coliform	MPN/100 ml	2.2	3	Monthly Average	4
58	11-Jul-05	Chlorine Residual	mg/l	0.019	5.5	1-Hour Average	2
59	4-Aug-05	pH	pH Units	8.5	8.9	1-Day Maximum	4
60	22-Aug-05	pH	pH Units	8.5	9.2	1-Day Maximum	4
61	27-Oct-05	pH	pH Units	8.5	11.6	1-Day Maximum	4
62	31-Oct-05	Total Coliform	MPN/100 ml	2.2	4	Monthly Average	4
63	5-Sep-06	pH	pH Units	8.5	9.2	1-Day Maximum	4
64	9-Sep-06	pH	pH Units	8.5	9.2	1-Day Maximum	4
65	10-Sep-06	Turbidity	NTU	5	13	Daily Maximum	1
66	27-Sep-06	Total Coliform	MPN/100 ml	2.2	4	7-Day Median	3
67	7-Oct-06	pH	pH Units	8.5	8.8	1-Day Maximum	4
68	11-Oct-06	pH	pH Units	8.5	8.7	1-Day Maximum	4
69	11-Oct-06	Turbidity	NTU	5	20	Daily Maximum	1
70	12-Oct-06	pH	pH Units	8.5	9.2	1-Day Maximum	4
71	12-Oct-06	Turbidity	NTU	5	20	Daily Maximum	1
72	26-Oct-06	pH	pH Units	8.5	8.6	1-Day Maximum	4
73	26-Oct-06	Total Coliform	MPN/100 ml	2.2	3	7-Day Median	3
74	30-Oct-06	Total Coliform	MPN/100 ml	2.2	4	7-Day Median	3
75	31-Oct-06	Total Coliform	MPN/100 ml	2.2	4	7-Day Median	4
76	9-Nov-06	pH	pH Units	6.5	0.9	1-Day Minimum	4
77	15-Nov-06	Total Coliform	MPN/100 ml	2.2	8	7-Day Median	4
78	20-Nov-06	Total Coliform	MPN/100 ml	2.2	4	7-Day Median	4
79	21-Nov-06	Total Coliform	MPN/100 ml	2.2	4	7-Day Median	4

ATTACHMENT A
NEVADA COUNTY SANITARY DISTRICT 1
LAKE WILDWOOD WASTEWATER TREATMENT PLANT
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-0532

-3-

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remark</u>
80	27-Nov-06	Total Coliform	MPN/100 ml	2.2	8	7-Day Median	4
81	28-Nov-06	Total Coliform	MPN/100 ml	2.2	8	7-Day Median	4
82	29-Nov-06	Total Coliform	MPN/100 ml	2.2	7	7-Day Median	4
83	13-Dec-06	Total Coliform	MPN/100 ml	2.2	9	7-Day Median	4
84	18-Dec-06	Total Coliform	MPN/100 ml	2.2	9	7-Day Median	4
85	19-Dec-06	Total Coliform	MPN/100 ml	2.2	4	7-Day Median	4
86	20-Dec-06	Total Coliform	MPN/100 ml	2.2	9	7-Day Median	4
87	22-Nov-06	Total Coliform	MPN/100 ml	2.2	7	7-Day Median	4
88	26-Dec-06	Total Coliform	MPN/100 ml	2.2	4	7-Day Median	4
89	27-Dec-06	Total Coliform	MPN/100 ml	2.2	13	7-Day Median	4
90	28-Dec-06	Total Coliform	MPN/100 ml	2.2	9	7-Day Median	4
91	31-Dec-06	pH	pH Units	8.5	11.1	1-Day Maximum	4
92	17-Jan-07	Turbidity	NTU	5	11	Daily Maximum	1
93	29-Jan-07	Total Coliform	MPN/100 ml	23	30	Daily Maximum	4
94	30-Jan-07	Total Coliform	MPN/100 ml	2.2	8.7	Monthly Average	4
95	10-Feb-07	Turbidity	NTU	5	6	Daily Maximum	4
96	10-Feb-07	Turbidity	NTU	10	20	Maximum	1
97	11-Feb-07	Turbidity	NTU	5	17	Daily Maximum	1
98	21-Feb-07	Total Coliform	MPN/100 ml	23	130	Daily Maximum	4
99	22-Feb-07	Turbidity	NTU	5	23	Daily Maximum	1
100	5-Mar-07	Total Coliform	MPN/100 ml	2.2	17	7-Day Median	4
101	6-Mar-07	Total Coliform	MPN/100 ml	2.2	11	7-Day Median	4
102	7-Mar-07	Total Coliform	MPN/100 ml	2.2	13	7-Day Median	4
103	12-Mar-07	Total Coliform	MPN/100 ml	2.2	9	7-Day Median	4
104	13-Mar-07	Total Coliform	MPN/100 ml	2.2	9	7-Day Median	4
105	14-Mar-07	Total Coliform	MPN/100 ml	2.2	9	7-Day Median	4
106	19-Mar-07	Total Coliform	MPN/100 ml	2.2	4	7-Day Median	4
107	20-Mar-07	Total Coliform	MPN/100 ml	2.2	9	7-Day Median	4
108	21-Mar-07	Total Coliform	MPN/100 ml	2.2	4	7-Day Median	4
109	28-Mar-07	Total Coliform	MPN/100 ml	23	130	Daily Maximum	4
110	24-Apr-07	Turbidity	NTU	5	12	Daily Maximum	1

ATTACHMENT A
NEVADA COUNTY SANITARY DISTRICT 1
LAKE WILDWOOD WASTEWATER TREATMENT PLANT
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-0532

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Remarks:

1. Serious Violation: For Group 1 pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group 2 pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

<u>VIOLATIONS AS OF:</u>	<u>12/31/2007</u>
Group 1 Serious Violations:	12
Group 2 Serious Violations:	6
Non-Serious Exempt from MPs:	9
Non-serious Violations Subject to MPs:	83
<u>Total Violations Subject to MMPs:</u>	<u>101</u>

Mandatory Minimum Penalty = (18 Serious Violations + 83 Non-Serious Violations) x \$3,000 = \$303,000

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Point 001

1. Final Effluent Limitations – Discharge Point 001

Wastewater shall be oxidized, coagulated, and filtered, or equivalent treatment provided. The Discharger shall maintain compliance with the following effluent limitations when flow in Deer Creek provides less dilution than 20:1 (receiving water flow to effluent flow) at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the attached MRP (Attachment E):

- a. The Discharger shall maintain compliance with the effluent limitations specified in Table 6:

Table 6. Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
BOD 5-day @ 20 ° C	mg/L	10	15	30	--	--
	lbs/day ¹	93	140	280	--	--
pH	standard units	--	--	--	6.5	8.5
Total Suspended Solids (TSS)	mg/L	10	15	30	--	--
	lbs/day ¹	93	140	280	--	--
Dibromochloromethane ²	µg/L	0.41	--	0.82	--	--
Dichlorobromomethane ²	µg/L	0.56	--	1.12	--	--
Lindane (gamma-BHC)	µg/L	--	--	--	--	ND ³
Nitrite (as N)	mg/L	1	--	--	--	--
	lbs/day ¹	9.3	--	--	--	--
Nitrite + Nitrate Nitrogen, Total (as N)	mg/L	10	--	--	--	--
	lbs/day ¹	93	--	--	--	--
Settable Solids	ml/L	0.1	--	0.2	--	--

¹ Based on the design flow of 1.12 mgd.

² These effluent limitations are in effect until the Discharger submits written certification that a chlorine-based disinfection system is no longer in use and chlorine containing chemicals are not added to the treatment process for wastewater discharge to surface waters.

³ ND indicated non-detect. See Section for the protocol for evaluating compliance with the ND effluent limitation.

- a. **Percent Removal:** The average monthly percent removal of BOD 5-day 20°C and total suspended solids shall not be less than 85 percent.
- b. **Acute Whole Effluent Toxicity.** Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:
 - i. 70 %, minimum for any one bioassay; and
 - ii. 90 %, median for any three consecutive bioassays.

c. **Total Residual Chlorine.** Effluent total residual chlorine shall not exceed:

- i. 0.01 mg/L, as a 4-day average;
- ii. 0.02 mg/L, as a 1-hour average;

The total residual chlorine effluent limitations are effective until the Discharger submits written certification that a chlorine-based disinfection system is no longer in use and chlorine-containing chemicals are not added to the treatment process for wastewater discharged to the receiving water.

d. **Total Coliform Organisms.** Effluent total coliform organisms shall not exceed:

- i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median; and
- ii. 23 MPN/100 mL, as a daily maximum.

e. **Average Dry Weather Flow.** The average dry weather flow (ADWF) as defined in Section VII.E shall not exceed 1.12 mgd.

f. **Mass Limitation for Mercury.** The monthly average total recoverable mercury loading in the effluent shall not exceed 0.0021 lbs/month.

g. **Electrical Conductivity.** The annual average electrical conductivity concentration in the effluent shall not exceed 700 μ mhos/cm.

2. Final Effluent Limitations – Discharge Point 001

When flow in Deer Creek provides a minimum dilution ratio of 20:1 (receiving water flow to effluent flow) full secondary treatment shall be provided and the coagulation system and filters shall be used to the maximum extent possible and effluent shall not exceed the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the attached MRP (Attachment E):

- a. The Discharger shall maintain compliance with the effluent limitations specified in Table 7:

Table 7. Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
BOD 5-day @ 20 ° C	mg/L	30	45	60	--	--
	lbs/day ¹	280	420	560	--	--
pH	standard units	--	--	--	6.5	8.5
Total Suspended Solids (TSS)	mg/L	30	45	60	--	--
	lbs/day ¹	280	420	560	--	--
Dibromochloromethane ²	μ g/L	0.41	--	0.82	--	--

Work Plan for approval by the Executive Officer, to ensure the Discharger has a plan to immediately move forward with the initial tiers of a TRE, in the event effluent toxicity is encountered in the future. The provision also includes a numeric toxicity monitoring trigger and requirements for accelerated monitoring, as well as, requirements for TRE initiation if a pattern of toxicity is demonstrated.

D. Final Effluent Limitations

1. Mass-based Effluent Limitations.

Title 40 CFR 122.45(f)(1) requires effluent limitations be expressed in terms of mass, with some exceptions, and 40 CFR 122.45(f)(2) allows pollutants that are limited in terms of mass to additionally be limited in terms of other units of measurement. This Order includes effluent limitations expressed in terms of mass and concentration. In addition, pursuant to the exceptions to mass limitations provided in 40 CFR 122.45(f)(1), some effluent limitations are not expressed in terms of mass, such as pH and temperature, and when the applicable standards are expressed in terms of concentration (e.g. CTR criteria and MCLs) and mass limitations are not necessary to protect the beneficial uses of the receiving water.

2. Averaging Periods for Effluent Limitations.

Title 40 CFR 122.45 (d) requires average weekly and average monthly discharge limitations for publicly owned treatment works (POTWs) unless impracticable. However, for toxic pollutants and pollutant parameters in water quality permitting, the US EPA recommends the use of a maximum daily effluent limitation in lieu of average weekly effluent limitations for two reasons. *"First, the basis for the 7-day average for POTWs derives from the secondary treatment requirements. This basis is not related to the need for assuring achievement of water quality standards. Second, a 7-day average, which could comprise up to seven or more daily samples, could average out peak toxic concentrations and therefore the discharge's potential for causing acute toxic effects would be missed."* (TSD, pg. 96) This Order utilizes maximum daily effluent limitations in lieu of average weekly effluent limitations for chlorine residual², dichlorobromomethane, dibromochloromethane, and dissolved oxygen as recommended by the TSD for the achievement of water quality standards and for the protection of the beneficial uses of the receiving stream. Furthermore, for BOD, TSS, pH, coliform, and turbidity, weekly average effluent limitations have been replaced or supplemented with effluent limitations utilizing shorter averaging periods. The rationale for using shorter averaging periods for these constituents is discussed in Attachment F, Section IV.C.3., above.

3. Satisfaction of Anti-Backsliding Requirements.

The Clean Water Act specifies that a revised permit may not include effluent limitations that are less stringent than the previous permit unless a less stringent limitation is justified based on exceptions to the anti-backsliding provisions contained in Clean Water Act sections 402(o) or 303(d)(4), or, where applicable, 40 CFR 122.44(l).

The previous permit contained effluent limitations for turbidity. The prior limitations were solely an operational check to ensure the treatment system was functioning properly and could meet the limits for solids and coliform. The prior effluent limitations were not intended to regulate turbidity in the receiving water. Rather, turbidity is an operational parameter to determine proper system functioning and not a water quality based limitation.

The revised Order contains performance based operational turbidity specifications to be met prior to disinfection in lieu of effluent limitations. The revised Order does not include effluent limitations for turbidity. However, the performance-based specification in this Order is an equivalent limit that is not less stringent, and therefore does not constitute backsliding.

The proposed revised operational specifications for turbidity are the same as the effluent limitations in the previous permit, with the inclusion of a more stringent requirement for an instantaneous maximum limit at any time. (See Special Provisions C.5. Ultraviolet Disinfection (UV) System Operating Specifications for turbidity specifications.) The proposed revised permit moves the point of compliance from the final effluent after disinfection to an internal compliance point prior to disinfection. These revisions are consistent with state regulations implementing recycled water requirements.

In addition, [if the WQBEL for any parameter subject to tertiary treatment is more stringent, add a mention here.]

The revision in the turbidity limitation is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Resources Control Board Resolution 68-16 because this Order imposes equivalent or more stringent requirements than the prior permit and therefore does not allow degradation.

4. Satisfaction of Antidegradation Policy

The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution 68-16. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge. The impact on existing water quality will be insignificant.

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TITLE 28--JUDICIARY AND JUDICIAL PROCEDURE

PART VI--PARTICULAR PROCEEDINGS

CHAPTER 163--FINES, PENALTIES AND FORFEITURES

Sec. 2462. Time for commencing proceedings.

Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued if, within the same period, the offender or the property is found with the United States in order that proper service may be made thereon.

(June 25, 1948, ch. 646, 62 Stat. 974.)

Historical and Revision Notes

Based on title 28, U.S.C., 1940 ed., Sec. 791 (R.S. Sec. 1047).
Changes were made in phraseology.

CODE OF CIVIL PROCEDURE

SECTION 335-349.4

335. The periods prescribed for the commencement of actions other than for the recovery of real property, are as follows:

335.1. Within two years: An action for assault, battery, or injury to, or for the death of, an individual caused by the wrongful act or neglect of another.

336. Within five years:

(a) An action for mesne profits of real property.

(b) An action for violation of a restriction, as defined in Section 784 of the Civil Code. The period prescribed in this subdivision runs from the time the person seeking to enforce the restriction discovered or, through the exercise of reasonable diligence, should have discovered the violation. A failure to commence an action for violation of a restriction within the period prescribed in this subdivision does not waive the right to commence an action for any other violation of the restriction and does not, in itself, create an implication that the restriction is abandoned, obsolete, or otherwise unenforceable. This subdivision shall not bar commencement of an action for violation of a restriction before January 1, 2001, and until January 1, 2001, any other applicable statutory or common law limitation shall continue to apply to that action.

336a. Within six years. 1. An action upon any bonds, notes or debentures issued by any corporation or pursuant to permit of the Commissioner of Corporations, or upon any coupons issued with such bonds, notes or debentures, if such bonds, notes or debentures shall have been issued to or held by the public.

2. An action upon any mortgage, trust deed or other agreement pursuant to which such bonds, notes or debentures were issued. Nothing in this section shall apply to bonds or other evidences of indebtedness of a public district or corporation.

337. Within four years: 1. An action upon any contract, obligation or liability founded upon an instrument in writing, except as provided in Section 336a of this code; provided, that the time within which any action for a money judgment for the balance due upon an obligation for the payment of which a deed of trust or mortgage with power of sale upon real property or any interest therein was given as security, following the exercise of the power of sale in such deed of trust or mortgage, may be brought shall not extend beyond three months after the time of sale under such deed of trust or mortgage.

2. An action to recover (1) upon a book account whether consisting of one or more entries; (2) upon an account stated based upon an account in writing, but the acknowledgment of the account stated need not be in writing; (3) a balance due upon a mutual, open and current account, the items of which are in writing; provided, however, that where an account stated is based upon an account of one item, the time shall begin to run from the date of said item, and where an account stated is based upon an account of more than one item, the time shall begin to run from the date of the last item.

3. An action based upon the rescission of a contract in writing. The time begins to run from the date upon which the facts that entitle the aggrieved party to rescind occurred. Where the ground for rescission is fraud or mistake, the time does not begin to run until the discovery by the aggrieved party of the facts constituting the fraud or mistake. Where the ground for rescission is misrepresentation under Section 359 of the Insurance Code, the time does not begin to run until the representation becomes false.

337a. The term "book account" means a detailed statement which constitutes the principal record of one or more transactions between a debtor and a creditor arising out of a contract or some fiduciary relation, and shows the debits and credits in connection therewith, and against whom and in favor of whom entries are made, is entered in the regular course of business as conducted by such creditor or fiduciary, and is kept in a reasonably permanent form and manner and is (1) in a bound book, or (2) on a sheet or sheets fastened in a book or to backing but detachable therefrom, or (3) on a card or cards of a permanent character, or is kept in any other reasonably permanent form and manner.

337.1. (a) Except as otherwise provided in this section, no action

shall be brought to recover damages from any person performing or furnishing the design, specifications, surveying, planning, supervision or observation of construction or construction of an improvement to real property more than four years after the substantial completion of such improvement for any of the following:

- (1) Any patent deficiency in the design, specifications, surveying, planning, supervision or observation of construction or construction of an improvement to, or survey of, real property;
 - (2) Injury to property, real or personal, arising out of any such patent deficiency; or
 - (3) Injury to the person or for wrongful death arising out of any such patent deficiency.
- (b) If, by reason of such patent deficiency, an injury to property or the person or an injury causing wrongful death occurs during the fourth year after such substantial completion, an action in tort to recover damages for such an injury or wrongful death may be brought within one year after the date on which such injury occurred, irrespective of the date of death, but in no event may such an action be brought more than five years after the substantial completion of construction of such improvement.
- (c) Nothing in this section shall be construed as extending the period prescribed by the laws of this state for the bringing of any action.
- (d) The limitation prescribed by this section shall not be asserted by way of defense by any person in actual possession or the control, as owner, tenant or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury or death for which it is proposed to bring an action.
- (e) As used in this section, "patent deficiency" means a deficiency which is apparent by reasonable inspection.
- (f) Subdivisions (a) and (b) shall not apply to any owner-occupied single-unit residence.

337.15. (a) No action may be brought to recover damages from any person, or the surety of a person, who develops real property or performs or furnishes the design, specifications, surveying, planning, supervision, testing, or observation of construction or construction of an improvement to real property more than 10 years after the substantial completion of the development or improvement for any of the following:

- (1) Any latent deficiency in the design, specification, surveying, planning, supervision, or observation of construction or

construction of an improvement to, or survey of, real property.

(2) Injury to property, real or personal, arising out of any such latent deficiency.

(b) As used in this section, "latent deficiency" means a deficiency which is not apparent by reasonable inspection.

(c) As used in this section, "action" includes an action for indemnity brought against a person arising out of that person's performance or furnishing of services or materials referred to in this section, except that a cross-complaint for indemnity may be filed pursuant to subdivision (b) of Section 428.10 in an action which has been brought within the time period set forth in subdivision (a) of this section.

(d) Nothing in this section shall be construed as extending the period prescribed by the laws of this state for bringing any action.

(e) The limitation prescribed by this section shall not be asserted by way of defense by any person in actual possession or the control, as owner, tenant or otherwise, of such an improvement, at the time any deficiency in the improvement constitutes the proximate cause for which it is proposed to bring an action.

(f) This section shall not apply to actions based on willful misconduct or fraudulent concealment.

(g) The 10-year period specified in subdivision (a) shall commence upon substantial completion of the improvement, but not later than the date of one of the following, whichever first occurs:

(1) The date of final inspection by the applicable public agency.

(2) The date of recordation of a valid notice of completion.

(3) The date of use or occupation of the improvement.

(4) One year after termination or cessation of work on the improvement.

The date of substantial completion shall relate specifically to the performance or furnishing design, specifications, surveying, planning, supervision, testing, observation of construction or construction services by each profession or trade rendering services to the improvement.

337.2. Where a lease of real property is in writing, no action shall be brought under Section 1951.2 of the Civil Code more than four years after the breach of the lease and abandonment of the property, or more than four years after the termination of the right of the lessee to possession of the property, whichever is the earlier time.

337.5. Within 10 years:

1. An action upon any bonds or coupons issued by the State of California.
2. An action upon any general obligation bonds or coupons, not secured in whole or in part by a lien on real property, issued by any county, city and county, municipal corporation, district (including school districts), or other political subdivision of the State of California.
3. An action upon a judgment or decree of any court of the United States or of any state within the United States.

337.6. Notwithstanding the provisions of Section 337.5 of this code actions may be brought on bonds or coupons as set forth in subsection 2 of said section, against which the statute of limitations ran on or after August 27, 1937; provided, such actions are brought on or before June 30, 1959. Upon presentation for payment they shall be registered and payment shall not be made thereon until the next fiscal year following presentation unless available funds are sufficient to first pay obligations which are due or will become due from the same fund during the fiscal year of presentation and during the next succeeding six months. Interest shall not be paid on bonds or coupons registered for the purpose of this section.

~~338. Within three years:~~

- (a) An action upon a liability created by statute, other than a penalty or forfeiture.
- (b) An action for trespass upon or injury to real property.
- (c) An action for taking, detaining, or injuring any goods or chattels, including actions for the specific recovery of personal property. The cause of action in the case of theft, as defined in Section 484 of the Penal Code, of any article of historical, interpretive, scientific, or artistic significance is not deemed to have accrued until the discovery of the whereabouts of the article by the aggrieved party, his or her agent, or the law enforcement agency that originally investigated the theft.
- (d) An action for relief on the ground of fraud or mistake. The cause of action in that case is not deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the

fraud or mistake.

(e) An action upon a bond of a public official except any cause of action based on fraud or embezzlement is not deemed to have accrued until the discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action upon the bond.

(f) (1) An action against a notary public on his or her bond or in his or her official capacity except that any cause of action based on malfeasance or misfeasance is not deemed to have accrued until discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action.

(2) Notwithstanding paragraph (1), an action based on malfeasance or misfeasance shall be commenced within one year from discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action or within three years from the performance of the notarial act giving rise to the action, whichever is later.

(3) Notwithstanding paragraph (1), an action against a notary public on his or her bond or in his or her official capacity shall be commenced within six years.

(g) An action for slander of title to real property.

(h) An action commenced under Section 17536 of the Business and Professions Code. The cause of action in that case shall not be deemed to have accrued until the discovery by the aggrieved party, the Attorney General, the district attorney, the county counsel, the city prosecutor, or the city attorney of the facts constituting grounds for commencing the action.

(i) An action commenced under the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code). The cause of action in that case shall not be deemed to have accrued until the discovery by the State Water Resources Control Board or a regional water quality control board of the facts constituting grounds for commencing actions under their jurisdiction.

(j) An action to recover for physical damage to private property under Section 19 of Article I of the California Constitution.

(k) An action commenced under Division 26 (commencing with Section 39000) of the Health and Safety Code. These causes of action shall not be deemed to have accrued until the discovery by the State Air Resources Board or by a district, as defined in Section 39025 of the Health and Safety Code, of the facts constituting grounds for commencing the action under its jurisdiction.

(l) An action commenced under Section 1603.1, 1615, or 5650.1 of the Fish and Game Code. These causes of action shall not be deemed to have accrued until discovery by the agency bringing the action of the facts constituting the grounds for commencing the action.

(m) An action challenging the validity of the levy upon a parcel